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12 UNITED STATES DISTRICT COURT  
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
14 WESTERN DIVISION

15 RONEN HELMANN, and all others  
16 similarly situated

17 Plaintiff,

18 v.

19 CODEPINK WOMEN FOR PEACE, a  
20 California entity; CODEPINK ACTION  
21 FUND, a California entity; COURTNEY  
22 LENNA SCHIRF; REMO  
23 IBRAHIM, d/b/a PALESTINIAN  
24 YOUTH MOVEMENT;  
25 PALESTINIAN YOUTH  
26 MOVEMENT; and DOES #1-100,

27 Defendants.

Case No. 2:24-cv-05704-SVW-PVC

DEFENDANTS PALESTINIAN  
YOUTH MOVEMENT, COURTNEY  
LENNA SCHIRF, AND REMO  
IBRAHIM'S REPLY  
MEMORANDUM IN SUPPORT OF  
ITS MOTION TO DISMISS  
PLAINTIFF'S THIRD AMENDED  
CLASS ACTION COMPLAINT

Judge: Hon Stephen V. Wilson  
Hearing Date: JULY 28, 2025  
Time: 1:30 p.m.  
Courtroom: 10A

1 Defendant PALESTINIAN YOUTH MOVEMENT, COURTNEY SCHIRF,  
2 AND REMO IBRAHIM (“PYM”) respectfully submits this Reply Memorandum of  
3 Points and Authorities in support of its Motion to Dismiss Plaintiff’s Third  
4 Amended Class Action Complaint (“TAC”), pursuant to Federal Rule of Civil  
5 Procedure Rule 12(b)(6) for failure to state a claim.

6  
7  
8 Dated: July 25, 2025

LAW OFFICES OF THOMAS B. HARVEY

9  
10 By: /s/ Thomas B. Harvey  
11 Thomas B. Harvey

12 Attorney for Defendants  
13 PALESTINIAN YOUTH MOVEMENT  
14 COURTNEY LENNA SCHIRF  
15 REMO IBRAHIM  
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Plaintiff's Opposition (ECF 117) does not cure the TAC's fundamental  
4 defects. The Court previously dismissed all claims against the PYM Defendants  
5 because the alleged conduct did not meet the FACE Act's statutory requirements and  
6 did not amount to a true threat, and they failed to establish vicarious liability.  
7 Plaintiff's attempt to revive these claims through inflammatory rhetoric, conclusory  
8 allegations, and irrelevant historical context fails.

9 Instead, Plaintiff's Opposition confirms what Defendants argued in their  
10 motion to dismiss: this case seeks to punish protected political speech criticizing  
11 Israeli settlement policy by recasting ordinary protest organizing as criminal threats.  
12 Despite adding allegations to the Third Amended Complaint ("TAC") Plaintiff still  
13 cannot transform PYM's social media posts into actionable "true threats" to remove  
14 them from First Amendment protection or establish the required principal-agent  
15 relationship for vicarious liability.

16 Plaintiff's heavy reliance on *Planned Parenthood of Columbia/Willamette v.*  
17 *American Coalition of Life Activists*, *Virginia v Black*, and *United States v. Hart*  
18 undermines their case, as those decisions involved fundamentally different  
19 circumstances that are absent here.

20 In short, Plaintiff's Opposition attempts to salvage a fatally deficient  
21 Complaint by distorting Defendants' protected speech into "true threats" and  
22 manufacturing intent to interfere with religious exercise. But repackaging  
23 conclusory allegations cannot cure the absence of plausible facts showing (1) a  
24 serious expression of intent to harm, (2) targeting of religious (not political) activity,  
25 or (3) proximate causation between PYM's posts and third-party conduct. The Court  
26 should dismiss the Third Amended Complaint ("TAC") with prejudice.

27 **II. ARGUMENT**

1           **A. Plaintiff's FACE Act Claim Fails Under 12(b)(6)**

2                   **1. Plaintiff's Opposition Confirms That PYM's Social Media Posts**  
3                   **Are Protected Political Speech, Not True Threats**

4           Plaintiff's Opposition inadvertently demonstrates that PYM's posts constitute  
5 core political speech protected by the First Amendment. Plaintiff acknowledges that  
6 "criticizing Israeli policy by labeling its conduct 'land theft' and organizing a protest  
7 to express that viewpoint is activity that squarely falls within First Amendment  
8 activity." (ECF 117 at 2). This concession is fatal to Plaintiff's case.

9                   **a. Plaintiff Misapplies *Planned Parenthood* and *Hart***

10          Plaintiff relies heavily on *Planned Parenthood*, 290 F.3d 1058 (9<sup>th</sup> Cir. 2022),  
11 but the analogy fails. Even under Plaintiff's preferred standard, a true threat must  
12 constitute "a serious expression of intent to inflict bodily harm." *Id.* at 1077. There,  
13 "GUILTY" posters named specific doctors alongside a history of assassinations.  
14 Here, PYM's posts criticized Israeli land sales—***not individuals***—and lacked any  
15 reference to violence. (ECF 117 at 5–6) The posts are indistinguishable from the  
16 protected advocacy in *NAACP v. Claiborne Hardware*, 458 U.S. 886 (1982) ("no  
17 justice, no peace").

18          The critical distinguishing factor in *Planned Parenthood* was that three  
19 abortion doctors who had previously appeared on virtually identical "WANTED"  
20 posters ***had actually been murdered***. 290 F.3d at 1063-64. The Ninth Circuit  
21 emphasized that this pattern of actual killings gave the posters their threatening  
22 meaning. *Id.* at 1086. Nothing remotely close to that occurred at the synagogue.

23          In *United States v. Hart*, 212 F.3d 1067, 1070 (8<sup>th</sup> Cir. 1999) the defendant  
24 physically parked Ryder trucks that blocked clinic entrances, preventing access to  
25 the facilities. The court found this conduct threatening because: (1) it involved  
26 physical blockage of clinic access; (2) Ryder trucks had an immediate, universally  
27 understood connection to the Oklahoma City bombing; and (3) the defendant's own



1 statements suggested he intended the trucks to be perceived as bomb threats. *Id.* at  
2 1072-73.

3 PYM's conduct involved none of these elements. PYM posted on social media  
4 about a planned protest—pure speech protected by the First Amendment. Unlike  
5 *Hart's* trucks, PYM's posts did not physically obstruct anyone or anything. And  
6 unlike the Ryder truck's immediate association with the Oklahoma City bombing,  
7 the language in PYM's posts lacks any direct symbolic connection to violence.

8 **b. Plaintiff Misapplies *Virginia v. Black***

9 Plaintiff's reliance on *Virginia v. Black* 538 U.S. 343 (2003) is misplaced. In  
10 *Black*, the Supreme Court addressed cross burning as a symbol that carries a  
11 uniquely violent and terroristic connotation due to its historical use by the Ku Klux  
12 Klan. The Court emphasized that cross burning was "a particularly virulent form of  
13 intimidation" and that its performance alone could be sufficient to instill fear  
14 because of its longstanding association with racial violence. *Id.* at 363.

15 No such inference can reasonably be drawn from PYM's use of generalized  
16 political slogans like "BELLY OF THE BEAST" or "OUR LAND IS NOT FOR  
17 SALE." These phrases, unlike a burning cross, are not inherently threatening and  
18 have no comparable history of association with violence. Nor was PYM's social  
19 media post directed at a specific individual or group in a way that would imply a  
20 personal threat. The medium, content, and context of the expression here distinguish  
21 it sharply from the act at issue in *Black*.

22 **c. PYM's language contains no explicit or implicit threats of**  
23 **violence.**

24 PYM posted on social media about a planned protest—pure speech protected  
25 by the First Amendment. The phrases Plaintiff challenges—"must be confronted,"  
26 "no justice, no peace," and "belly of the beast"—are standard political rhetoric used  
27 in countless protest contexts without any threatening meaning. Unlike *Hart's* trucks,

1 PYM's posts did not physically obstruct anyone or anything. And unlike the Ryder  
2 truck's immediate association with the Oklahoma City bombing, the language in  
3 PYM's posts lacks any direct symbolic connection to violence.

4 **d. Plaintiff's "Pattern of Violence" Evidence Is Insufficient**

5 Plaintiff's chart of allegedly violent incidents at similar events actually  
6 undermines their case. Most incidents involved minimal violence (2-3 arrests out of  
7 hundreds or thousands of protesters), and many involved violence by counter-  
8 protesters rather than pro-Palestine demonstrators. This sparse record cannot  
9 establish the type of systematic pattern of violence that gave meaning to the  
10 materials in *Planned Parenthood*.

11 Moreover, Plaintiff provides no evidence that PYM organized, controlled, or  
12 was even present at most of these other events. Holding PYM responsible for the  
13 actions of unrelated protesters at different events organized by different people  
14 would violate basic principles of individual responsibility and First Amendment  
15 protection.

16 Plaintiff's attempt to transform these common protest phrases into threats  
17 through "context" fails because they provide no historical evidence that these  
18 specific phrases have been associated with violence when used by PYM or similar  
19 organizations. This distinguishes the case from both *Planned Parenthood* and *Hart*,  
20 where the threatening symbols had direct historical connections to actual violence.

21 Here, Plaintiff provides no evidence that attendees of previous synagogue real  
22 estate events were killed or even seriously harmed, let alone that they were harmed  
23 by PYM Defendants. The incidents Plaintiff cites involve minor altercations, brief  
24 arrests, and property damage—***not the systematic murder*** that gave meaning to the  
25 "WANTED" posters in *Planned Parenthood*. Without this crucial factual predicate,  
26 Plaintiff's analogy fails entirely.

27 **e. Plaintiff Ignores *Counterman's* Recklessness Standard**

1 Critically, Plaintiff ignores *Counterman v. Colorado*, 600 U.S. 66 (2023),  
2 which requires proof that Defendants “consciously disregarded” a substantial risk  
3 their speech would be seen as threatening. The TAC alleges no facts showing PYM  
4 intended or foresaw violence.

5 Plaintiff argues that PYM's post constitutes a true threat based on its political  
6 rhetoric, context, and alleged consequences. But under *Counterman*, a "true threat"  
7 requires subjective recklessness: that the speaker consciously disregarded a  
8 substantial risk that their statement would be interpreted as a threat of unlawful  
9 violence. *Id.* at 69. Nothing in the TAC alleges or plausibly supports that mental  
10 state.

11 The slogans cited ("OUR LAND IS NOT FOR SALE," "NO JUSTICE, NO  
12 PEACE," "BELLY OF THE BEAST") are commonplace protest rhetoric and do not  
13 express an intent to inflict bodily harm. As in *Virginia v. Black*, 538 U.S. 343, 360  
14 (2003), the context must transform such speech into a serious expression of  
15 unlawful violence. Plaintiff attempts to draw analogies to *Planned Parenthood* but  
16 there, the defendants identified specific doctors, published home addresses, and  
17 invoked a pattern of prior assassinations. That is not remotely analogous to PYM's  
18 generalized political post.

19 **B. The Court Should Still Strike Plaintiff's Prejudicial and Irrelevant**  
20 **Claims**

21 Plaintiff's opposition fails to address Defendants' motion to strike scandalous  
22 and impertinent allegations that serve only to prejudice Defendants in the eyes of the  
23 Court. The TAC contains extensive allegations about PYM's alleged support for  
24 terrorism and participation in unrelated conferences and protests that have no  
25 bearing on the elements of Plaintiff's FACE Act claim.

26 The Ninth Circuit has held that motions to strike serve "to avoid the  
27 expenditure of time and money that must arise from litigating spurious issues by

1 dispensing with those issues prior to trial." *Fantasy, Inc. v. Fogerty*, 984 F.2d 1524,  
2 1527 (9th Cir. 1993). Under this standard, "immaterial matter is that which has no  
3 essential or important relationship to the claim for relief or the defenses being  
4 pleaded." *Id.* Courts within the Ninth Circuit routinely strike allegations that "could  
5 have no possible bearing on the subject matter of the litigation." *Colaprico v. Sun*  
6 *Microsystems, Inc.*, 758 F. Supp. 1335, 1339 (N.D. Cal. 1991). Here, the extensive  
7 allegations about PYM's alleged support for terrorism and participation in unrelated  
8 conferences force Defendants to litigate spurious issues about their general political  
9 affiliations rather than the specific question of whether their social media posts  
10 about the Adas Torah real estate event constituted true threats under FACE Act.

### 11 **1. Allegations About Unrelated Events Are Impertinent**

12 Plaintiff describes conferences, protests, and activities that occurred at  
13 different times, in different locations, involving different people, and addressing  
14 different issues. (TAC ¶¶ 41-46, 70-78) These allegations cannot establish that PYM's  
15 social media posts about the Adas Torah real estate event constituted true threats.  
16 Federal Rule of Civil Procedure 12(f) permits striking matter that is "impertinent",  
17 "scandalous", and "immaterial"—*In re Honost Co., Inc. Sec. Litig.*, 343 F.R.D. 147,  
18 150 (C.D. Cal. 2022). These allegations serve no purpose other than to prejudice the  
19 court against PYM as extremist or terrorist-supporting.

### 20 **2. Conclusory Allegations Violate *Twombly* Standards**

21 Plaintiff's assertion that "BELLY OF THE BEAST" refers to a synagogue is  
22 alleged "upon information and belief" without any factual basis (TAC ¶214). Under  
23 *Twombly*, allegations "upon information and belief" are permitted only where the  
24 facts "are peculiarly within the possession and control of the defendant, or where the  
25 belief is based on factual information that makes the inference" plausible. *Vavak v.*  
26 *Abbott Labs., Inc.*, 2011 U.S. Dist. LEXIS 111408, at \*6 (C.D. Cal. June 17, 2011).  
27 Here, the meaning of PYM's phrase is not within PYM's control—it is a matter of

1 public interpretation that Plaintiff could research independently. Plaintiff provided  
2 no support for their interpretation.

3 Plaintiff's attempt to characterize PYM's posts as "blood libel" fails as a  
4 matter of law and fact. Plaintiff's own sources define blood libel as false accusations  
5 that "Jews killed Christian, and especially Christian children." (ECF 112 at 10, fn.7).  
6 The sources consistently describe blood libel as involving ritualistic murder of  
7 children, consumption of blood, and similar horrific accusations. (*Id.*)

8 PYM's posts contain no references to children, ritual murder, or blood  
9 consumption. Criticizing real estate transactions as violations of international law—  
10 even if incorrect—bears no resemblance to historical blood libel accusations.  
11 Plaintiff's assertion that "the latest blood libel falsely accuses Jews and Israelis of  
12 selling real estate stolen from Palestinians" (TAC ¶ 164) is a conclusory legal  
13 statement unsupported by any factual allegations, which this Court should disregard  
14 under *Twombly* and *Iqbal*. As such, the allegation is a naked assertion designed to  
15 malign Defendants and should be stricken.

### 16 **3. Scandalous Matter Should Be Stricken**

17 Courts routinely strike allegations that accuse parties of terrorism or criminal  
18 activity without adequate factual support. The TAC's repeated accusations that PYM  
19 supports terrorism, celebrates violence, and engages in blood libel constitute  
20 precisely the type of scandalous matter Rule 12(f) is designed to address. These  
21 allegations prejudice Defendants by associating them with terrorism and  
22 antisemitism without any connection to the legal claims at issue.

### 23 **C. Plaintiff Cannot Establish the Required Causal Connection Under** 24 **Article III Standing Requirements Under 12(b)(1)**

25 Federal courts have limited jurisdiction, *see*, Art. III, U.S. Const., and  
26 plaintiffs must prove their case lies within a court's jurisdiction. *Kokkonen v.*  
27 *Guardian Life Ins. Co. of America*, 511 U.S. 375, 377-78 (1994). Plaintiff must

1 establish he has (1) suffered an injury in fact, (2) that is fairly traceable to the  
2 challenged conduct of the defendant, and (3) that is likely to be redressed by a  
3 favorable judicial decision. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-561  
4 (1992). Article III requires that Plaintiff's injury be "fairly traceable" to Defendants'  
5 conduct, not the independent actions of third parties. *Lujan v. Defenders of Wildlife*,  
6 504 U.S. 555, 560-61 (1992). Here, the alleged obstruction was caused by unknown  
7 "Does 1-100" who made independent decisions to travel to the synagogue and  
8 engage in allegedly obstructive conduct.

9 Plaintiff's reliance on *Kristensen v. Credit Payment Services* is misplaced  
10 because that case involved a direct agency relationship where the defendant  
11 company's agents acted within the scope of their authority. 879 F.3d 1010, 1014 (9th  
12 Cir. 2018). Even if violence occurred, it was perpetrated by third parties not alleged  
13 to be controlled by PYM. The TAC fails to link PYM's social media post to any  
14 specific act of force or obstruction. Plaintiff's theory of liability rests on speculation  
15 and guilt by association.

16 Here, Plaintiff alleges no facts establishing that the "Does 1-100" were agents  
17 of PYM or subject to PYM's control. The TAC does not allege that PYM  
18 communicated with, controlled, or supervised the individuals who allegedly  
19 engaged in misconduct. Plaintiff fails to plead facts showing that PYM Defendants  
20 directed, authorized, or ratified the acts of any individuals who committed violence.  
21 The TAC merely alleges that PYM posted a call to protest and, after the event,  
22 issued general political statements. This does not establish the type of principal-  
23 agent relationship required to impose liability. See *Kristensen v. Credit Payment*  
24 *Servs.*, 879 F.3d 1010, 1014 (9th Cir. 2018).

25  
26 **D. Plaintiff Still Fails to Allege a FACE Act Violation**



1 A violation of the FACE Act's religious exercise subsection therefore  
2 requires that Defendants act "*because* [Plaintiff] is exercising or is seeking to  
3 exercise his or her religious freedom." *New Beginnings Ministries v. George*, 2018  
4 WL 11378829 \*3. Plaintiff has not plead facts making such a specific intent  
5 plausible in this case.

6 **1. The Real Estate Advertisement Contained No Religious Content**

7 The advertisement for the real estate event made no mention of religious  
8 services, religious obligations, or Judaism. (TAC at 27). It was presented as a  
9 commercial real estate opportunity with "special discounts exclusive to event  
10 participants." Without any indication that religious activities were involved, PYM  
11 could not have intended to interfere with religious freedom.

12 **2. PYM Targeted a Real Estate Event, Not Religious Worship**

13 PYM's posts specifically targeted what they characterized as an illegal real  
14 estate sale, not religious worship. The posts use language like "real estate event  
15 selling homes" and "land theft"—commercial and political terminology, not  
16 religious language. This demonstrates that PYM's intent was to protest what they  
17 viewed as illegal commercial activity, not to interfere with religious practice.

18 **3. No Evidence of Knowledge About Religious Services**

19 Plaintiff alleges that the synagogue hosts daily prayer services, but provides  
20 no evidence that PYM knew about these services or intended to interfere with them.  
21 The protest was scheduled for the same time as the real estate event (12 PM), not  
22 during regular religious services.

23 **4. Plaintiffs Have Alleged No Facts Allowing Them to Plausibly**  
24 **Claim That Defendants are Responsible for any Harmful Acts**

25 The Court's Order dismissing the FACE Act claim against PYM Defendants  
26 established that vicarious liability apply, that PYM can only be held liable for the  
27 acts of their agents acting within the scope of their authority, and that there were

1 three theories of authority: actual, apparent, and ratification. (ECF 105 at 25-32).  
2 The Court previously held that Plaintiffs had failed to sufficiently allege an agency  
3 relationship between PYM and any protesters at the Synagogue. (ECF 105 at 32).

4 **a.) Post-Event Statements Do Not Establish Ratification**

5 Plaintiff argues that PYM's post-event statements constitute "ratification" of  
6 the obstructive conduct. However, the statements Plaintiff cites express general  
7 support for the "pro-Palestine movement" and opposition to what PYM  
8 characterized as illegal land sales. (TAC ¶ 337). These statements do not specifically  
9 endorse obstruction of religious services or any other conduct violating the FACE  
10 Act.

11 Ratification requires that the principal "affirm a prior act done by another"  
12 with knowledge of the specific act being ratified. *Kristensen*, 879 F.3d at 1014.  
13 General statements supporting Palestinian rights or the "LA community" cannot  
14 ratify specific FACE Act violations that PYM never acknowledged occurred. Post  
15 hoc commentary is not ratification. Without plausible allegations of direction or  
16 control, Plaintiff cannot impose vicarious liability.

17 **5. Defendants' Alleged Activities Constitute Protected First**  
18 **Amendment Speech and Advocacy**

19 Demonstrations, marches, and picketing are undeniably protected First  
20 Amendment activities. *Collins v. Jordan* 110 F.3d 1363, 1371 (9th Cir. 1996). Even  
21 where protected First Amendment speech becomes intertwined with someone's later  
22 possibly illegal conduct is to punish the conduct, not the speech. *Id.* The FACE Act  
23 explicitly forbids construing its language to capture "expressive conduct (including  
24 peaceful picketing or other peaceful demonstration) protected from legal prohibition  
25 by the First Amendment to the Constitution[.]" 18 U.S.C. § 248(d)(1). Plaintiff  
26  
27



1 therefore cannot plausibly allege a violation of either statute based on Defendants’  
2 protected speech.

3 A district court must dismiss a claim if it “fail[s] to state a claim upon which  
4 relief can be granted.” Fed. R. Civ. Proc. 12(b)(6). Rule 8(a) of the Federal Rules of  
5 Civil Procedure requires a plaintiff to plead “enough facts to state a claim to relief  
6 that is plausible on its face.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570  
7 (2007). Although “a complaint need not contain detailed factual allegations . . . it  
8 must plead enough facts to state a claim to relief that is plausible on its face.”  
9 *Cousins v. Lockyer*, 568 F.3d 1063, 1067-68 (9th Cir. 2009) (internal quotation  
10 marks and citations omitted). A claim is facially plausible only when it “allows the  
11 court to draw the reasonable inference that the defendant is liable for the misconduct  
12 alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (internal quotation marks  
13 omitted). “[C]onclusory allegations of law and unwarranted inferences are  
14 insufficient to avoid . . . dismissal” under this standard. *Cousins*, 568 F.3d at 1067  
15 (internal quotation marks omitted). A court may reject as implausible allegations  
16 that are too speculative to warrant further factual development. *Dahlia v. Rodriguez*,  
17 735 F.3d 1060, 1076 (9th Cir. 2013). The allegations must be enough to raise a right  
18 to relief above the speculative level. *Twombly* at 548. The court need not accept  
19 allegations that are merely conclusory, are unwarranted deductions, or unreasonable  
20 inferences. *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir. 2001).

21 **E. PYM's International Law Arguments Are Relevant and Meritorious**

22 Plaintiff’s opposition fails to meaningfully respond to PYM’s argument that  
23 this Court lacks jurisdiction to facilitate the violation of international law. Plaintiff  
24 seeks to use the FACE Act to shield conduct that directly supports the sale of land in  
25 illegal settlements in occupied territory—conduct that multiple international bodies  
26 have characterized as war crimes and crimes against humanity.

1 As detailed in the motion to dismiss, this Court should not become a forum  
2 for enforcing the purported religious rights of individuals engaged in what  
3 international law deems illegal population transfers and property confiscations. The  
4 Court's role is not to validate activity that violates U.S. treaty obligations or  
5 international humanitarian law. That Plaintiff seeks to characterize political protest  
6 against such conduct as a violation of the FACE Act only underscores the  
7 fundamental misapplication of the statute and the Court's jurisdiction.

### 8 **1. Good Faith Basis for Legal Claims Negates Threatening Intent**

9 PYM's characterization of the real estate event as involving "illegal" sales has  
10 substantial basis in international law scholarship and United Nations resolutions.  
11 The International Court of Justice ruled in 2024 that Israel's occupation and  
12 settlement regime is unlawful.<sup>1</sup> Multiple international law experts have  
13 characterized settlement real estate sales as violations of the Fourth Geneva  
14 Convention.<sup>2</sup> Whether or not this Court agrees with these interpretations, their  
15 existence demonstrates that PYM's posts were based on good-faith legal arguments,  
16 not threats of violence.

### 17 **2. Protected Opinion on International Law**

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19  
20

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21 <sup>1</sup> United Nations, OHCHR, Press Release, "Experts hail ICJ declaration on illegality  
22 of Israel's presence in the occupied Palestinian territory as "historic" for  
23 Palestinians and international law," July 30, 2024, available at  
<https://tinyurl.com/4bptuzka>.

24 <sup>2</sup> The Fourth Geneva Convention Relative to the Protection of Civilian Persons in  
25 Time of War, 1949, Art. 47, available at <https://tinyurl.com/2aa2ujy6>; The Fourth  
26 Geneva Convention Art. 49, available at <https://tinyurl.com/32htsmzy>; The Fourth  
27 Geneva Convention, 1949, Art. 147, available at <https://tinyurl.com/3xt43az6>.

<sup>2</sup> International Committee of the Red Cross ("ICRC"), *Customary International  
Humanitarian Law*, available at <https://tinyurl.com/k2at4v4c>.

1 The Supreme Court in *New York Times v. Sullivan* established that "debate on  
2 public issues should be uninhibited, robust, and wide-open, and that it may well  
3 include vehement, caustic, and sometimes unpleasantly sharp attacks on government  
4 and public officials." 376 U.S. 254, 270 (1964). The Court emphasized the need to  
5 preserve "the opportunity for free political discussion, to the end that government  
6 may be responsive to the will of the people and that changes, if desired, may be  
7 obtained by peaceful means." *Id.* at 301. Plaintiff's allegations about PYM's  
8 criticism of Israeli settlement policy are precisely the type of political speech  
9 *Sullivan* was designed to protect. These allegations serve only to chill PYM's  
10 exercise of core First Amendment rights by forcing them to defend their political  
11 viewpoints rather than the specific conduct alleged in this FACE Act claim.

### 12 **3. No Advocacy for Self-Help or Violence**

13 Critically, PYM never advocated violence or "self-help" remedies for the  
14 alleged international law violations. The posts called for protest and confrontation  
15 through legal means—exactly the type of political advocacy the First Amendment  
16 protects. Plaintiff's characterization of PYM's legal arguments as demonstrating "a  
17 right to engage in self-help" (ECF 117 at 15) misrepresents both PYM's posts and  
18 Defendants' legal arguments.

### 19 **4. Acts in the US Can Also Violate International Law**

20 Defendants do not ask this Court to rule on the legality of Israeli settlements  
21 under international law. However, it is clear that acts on US soil can violate  
22 international law, contrary to Plaintiff's thinking (ECF 117 at 15). Defendants ask  
23 only that the Court recognize that political speech criticizing foreign government  
24 actions—even using strong language—cannot constitute criminal threats under the  
25 First Amendment and FACE Act. This presents a straightforward question of  
26 domestic constitutional and statutory interpretation within this Court's jurisdiction.  
27

1 When Defendants labelled the MHI real estate sale an international war  
2 crime, they were not engaging in hyperbole, fearmongering, or antisemitism, but  
3 rather invoking established principles of international law. As the International  
4 Court of Justice ruled in 2024, Israel's occupation of Gaza and the West Bank, along  
5 with the associated settlement regime, annexation, and use of natural resources, is  
6 unlawful.<sup>3</sup>

7 **III. Conclusion**

8 Plaintiffs have now filed four complaints and still fail to plausibly allege a  
9 claim against the PYM Defendants. The Court should dismiss the Third Amended  
10 Complaint with prejudice and strike the scandalous allegations identified above.  
11

12 Respectfully submitted,

LAW OFFICES OF THOMAS B. HARVEY

13  
14 Dated: July 25, 2025

15 By: /s/ Thomas B. Harvey  
16 Thomas B. Harvey

17 Attorney for Defendants  
18 PALESTINIAN YOUTH MOVEMENT  
19 COURTNEY LENNA SCHIRF  
20 REMO IBRAHIM  
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26 <sup>3</sup> United Nations, OHCHR, Press Release, "Experts hail ICJ declaration on illegality  
27 of Israel's presence in the occupied Palestinian territory as "historic" for  
28 Palestinians and international law," July 30, 2024, available at  
<https://tinyurl.com/4bptuzka>.

1                   **CERTIFICATE OF SERVICE**

2           I hereby certify that on July 25, 2025, I electronically filed the foregoing with  
3 the Clerk of the Court for the United States District Court, Central District of  
4 California by using the CM/ECF System.

5           Participants in the case who are registered CM/ECF Users will be served by  
6 the CM/ECF System.

7   LAW OFFICES OF THOMAS B. HARVEY

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10   By: /s/ Thomas B. Harvey  
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13   PALESTINIAN YOUTH MOVEMENT  
14   COURTNEY LENNA SCHIRF  
15   REMO IBRAHIM

**L.R. 11-6.2 CERTIFICATE OF COMPLIANCE**

The undersigned, counsel of record for Defendant PYM certifies that this  
brief contains 3,859 words, which complies with the word limit of L.R. 11-6.1.

Dated: July 25, 2025

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